IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1060 OF 2007

Subhash Vidya Mandal ..... Petitioner.
V/s
The State of Maharashtra & Ors..... ..... Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Adv. Ms.Shilpa Mangle i/by M.B.Gawade, for the petitioner.

CORAM: A.P.DESHPANDE, J.
14.2.2007

PC:

An interlocutory order passed by the Presiding Officer, School Tribunal, Pune is challenged by filing this writ petition.

It is the case of the petitioner that the respondent was issued notice of compulsory retirement. He had challenged the same by filing an appeal before the Tribunal. As the appeal was filed after expiry of period of limitation the respondent had also filed an application for condonation of delay. The said application for

condonation of delay was rejected and thereafter present appeal has been filed seeking to challenge the termination of services of respondent. In the submission of the learned counsel in substance the cause of action is same as was in the previously filed appeal which came to be dismissed on account of rejection of the application for condonation of delay. The Tribunal by the impugned order has directed the petitioner to file elaborate written statement and by observing that the appeal has substantially progressed has deferred consideration of the application till final hearing of the appeal.

Perused the impugned order. The same only goes to defer consideration of application moved by the petitioner at Ex.14 and the Tribunal proposes to decide the same at the time of final hearing of the appeal. The impugned order does not affect the petitioner in any manner. Hence no interference at this stage is called for. Writ petition is summarily dismissed.

However it is made clear that all contentions raised in this petition shall be available to the petitioner for being raised before the Tribunal in the

pending appeal.

14.2.07